

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

JEROME N. COLE,	)	
	)	
Movant,	)	
	)	
v.	)	No. 1:14CV84 SNLJ
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

## **MEMORANDUM AND ORDER**

This matter is before the Court on movant's motion for a certificate of appealability. By Memorandum and Order entered October 6, 2014, the Court denied and dismissed movant's motion to vacate, set aside or correct illegal sentence pursuant to 28 U.S.C. § 2255 as time-barred. The Court therein ordered that no certificate of appealability would issue.

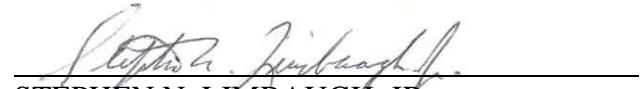
If a federal court denies a habeas application on procedural grounds without reaching the underlying constitutional claims, the court is not required to issue a certificate of appealability unless the petitioner demonstrates that jurists of reason would find it debatable: (1) whether the application states a valid claim of the denial of a constitutional right; and (2) whether the court was correct in its procedural ruling. Slack v. McDaniel, 529 U.S. 473, 484 (2000).

For the reasons discussed in the Court's October 6, 2014 Memorandum and Order, the Court finds that jurists of reason would not find it debatable that the Court was correct in its procedural ruling that movant's motion to vacate, set aside or correct illegal sentence pursuant to 28 U.S.C. § 2255 is time-barred and not subject to equitable tolling.

Accordingly,

**IT IS HEREBY ORDERED** that movant's motion for a certificate of appealability is **DENIED**.

Dated this 10<sup>th</sup> day of December, 2014.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE